

BOARD OF COAL MINING EXAMINERS

SUMMARY OF MEETING

MAY 7, 2013

The following is a summary of the May 7, 2013 Meeting:

I. Meeting called to order at 9:05 AM by Randy Moore, Chairman. Members present were Randy Moore, Gerald Kendrick, Arvil McConnell and Ricky O'Quinn. Member Joseph Buchanan was absent. Also present were Mary Gibson, Regulatory Boards Administrator, and Sharon Pigeon, Sr. Assistant Attorney General.

II. Opening statement delivered by Randy Moore, Chairman.

III. Motion made and seconded to accept May 7, 2013, meeting agenda and approve April 2, 2013, meeting summary. All members were in favor to approve.

IV. Review of Virginia Substance Abuse Cases (Closed Session)

Of the cases that resulted in hearings, evidence was taken by the Board in closed session, pursuant to Virginia Code §§ 2.2-3711(A)(4) and 45.1-11.35(E). In the closed session, the Board worked out agreements, allowing individuals to return to work conditionally, and took other disciplinary actions including revocation of all certifications held by miners.

V. Open Agenda

Mary Gibson informed the Board that Chief Moore sent a letter to Cleco Corporation clarifying that initial drug testing may be done with a quick test, but that any positive must immediately be sent to a SAMHSA-certified laboratory for further analysis and confirmation of positive results.

Ms. Gibson reported to the Board that Rebecca Henry who does drug testing for the Board reviewed the screening level (1.0) used by labs for marijuana and time period (30 days) to not show in urine. The information will be added to the Board's records.

Board Administrator Mary Gibson provided the Board with an updated spreadsheet on the number of substance abuse cases through April, 2013. Number of cases to date are 704.

Randy Moore updated the Board on developments of DMME's inquiry on behalf of the Board into the training activities of the owner/operator

(Trainer) of Professional Contracting, LLC, an independent training and mine safety consultant services company. Due to concerns received regarding his training, Mr. Moore wrote the Trainer informing him to notify DMME/DM in advance of all BCME-authorized training for subjected monitoring by DM staff.

Mr. Moore and staff met with the Trainer regarding issues and DM requirements. Carroll Green reported to the Board on DM staff's monitoring of training conducted by the Trainer and on his assistance in his training classes. Mr. Moore and staff had a follow up meeting with him for purpose of addressing areas of concern detected by DM staff and providing solutions. No deficiencies were observed in two subsequent monitoring sessions by DM staff of training conducted by the Trainer. The Board agreed that should DM staff have to provide additional training to complete training initiated by the Trainer or if there were any other training deficiencies observed in regards to Virginia training, that the Trainer would be summoned to appear before the Board. Mr. Moore will convey the Board's decision to the Trainer.

VI. Next Meeting

Next meeting will be June 4, 2013.

VII. Adjournment

Meeting adjourned at 1:40 PM.